

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

THE FORTUNE SOCIETY, INC.

Plaintiff,

v.

iAFFORD NY, LLC

Defendant.

Civ. Action No. 1:22-cv-06584

Judge Pamela K. Chen

Magistrate Sanket J. Bulsara

JUDGMENT

On August 1, 2023, Defendant iAfford NY, LLC (“Defendant”) issued an offer of judgment pursuant to Federal Rule of Civil Procedure 68, and on August 14, 2023, Plaintiff The Fortune Society, Inc. (“Plaintiff”) accepted the offer. *See* Dkt. No. 45.

Pursuant to the above, it is hereby ordered that:

1. Certain actions by Defendant violated the Fair Housing Act, 42 U.S.C. § 3604 (“the FHA”), the New York State Human Rights Law, New York Exec. Law § 296(5) (“the Exec. Law”), and the New York City Human Rights Law, Admin. Code § 8-107(5) (“the NYCHRL”).
2. Defendant is hereby enjoined and required to:
 - a. Refrain from publishing, implementing, and enforcing a policy for the blanket denial of housing applicants with criminal histories;
 - b. Comply with the most current (i) New York City Department of Housing Preservation and Development (“HPD”) Marketing Handbook: Policies and Procedures for Resident Selection and Occupancy (“HPD Handbook”); (ii) U.S. Department of Housing and Urban Development, Implementation of the Office of General Counsel’s Guidance on Application of Fair Housing Act Standards to Use of Criminal Records by Providers of Housing and Real-Estate Transactions (“HUD Guidance”); (iii) FHA requirements; (iv) Exec. Law requirements; and (v) NYCHRL requirements in the review and assessment of housing applicants with a criminal history; and

- c. Take affirmative steps to ensure ongoing compliance with the HPD Handbook, HUD Guidance, FHA, Exec. Law and NYCHRL, in the review and processing of an application for housing by an individual with a criminal history, including, but not limited, through (i) the conduct of annual training of Defendant, its employees, and agents; (ii) adoption of a written housing anti-discrimination policy, subject to the requirements of HPD and HUD, and other legal requirements; (iii) adoption of a formal appeal process for any applicant denied housing on the basis of criminal history, subject to the requirements of HPD and HUD, and other legal requirements; (iv) submission of annual reports on the foregoing compliance measures to Plaintiff for a four (4) year period.

3. Judgment is entered in favor of Plaintiff and against Defendant in the amount of \$500,000.00 for damages and costs (inclusive of fees through the date of the offer).

The Clerk shall enter judgment against Defendant iAfford NY, LLC as outlined above and close the case. This order shall be deemed a final judgment within the meaning of Federal Rule of Civil Procedure 58.

BRENNA B. MAHONEY
CLERK OF COURT

Dated: Brooklyn, New York
August 15, 2023

by: *Jalitzia Poveda*
Deputy Clerk